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9 UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON  
11 AT TACOMA

12 ROBERT J. LUMPKIN,

13 Plaintiff,

14 v.

15 WASHINGTON CORRECTIONS CENTER,

16 Defendant.

No. C09-5045 FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION DISMISSING  
ACTION WITHOUT PREJUDICE

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18 The Magistrate Judge recommends this prisoner civil rights action be dismissed without  
19 prejudice for failure to state a claim and failure to exhaust administrative remedies. Plaintiff has  
20 not filed objections to the Report and Recommendation.

21 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen  
22 L. Strombom, and the remaining record, does hereby find and ORDER:  
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24 (1) The Court adopts the Report and Recommendation;

25 (2) This action is **DISMISSED without prejudice**; and  
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1 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for any  
2 Defendants who have appeared, and to the Hon. Karen L. Strombom.

3 DATED this 23<sup>rd</sup> day of June, 2009.  
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8 FRANKLIN D. BURGESS  
9 UNITED STATES DISTRICT JUDGE  
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